

SAN ANTONIO MISSIONS NATIONAL HISTORICAL PARK
BOUNDARY EXPANSION ACT

JUNE 12, 2012.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HASTINGS of Washington, from the Committee on Natural Resources, submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 3100]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 3100) to authorize the Secretary of the Interior to expand the boundary of the San Antonio Missions National Historical Park, to conduct a study of potential land acquisitions, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “San Antonio Missions National Historical Park Boundary Expansion Act”.

SEC. 2. FINDINGS.

Congress finds that—

- (1) the San Antonio Missions National Historical Park is important to understanding the history and development of the City of San Antonio, Bexar County, the State of Texas, and the United States;
- (2) understanding the connection between the San Antonio River and the San Antonio Missions is critical to understanding mission life in colonial Texas; and
- (3) the San Antonio Missions National Historical Park enjoys the strong support of the City of San Antonio, Bexar County, and their citizens and businesses.

SEC. 3. BOUNDARY EXPANSION.

Section 201(a) of Public Law 95–629 (16 U.S.C. 410ee(a)) is amended—
 (1) by striking “In order” and inserting “(1) In order”;
 (2) by striking “The park shall also” and inserting:
 “(2) The park shall also”;
 (3) by striking “After advising the” and inserting:
 “(5) After advising the”; and
 (4) by inserting after paragraph (2) (as so designated by paragraph (2) above) the following:

“(3) The boundary of the park is further modified to include approximately 151 acres, as depicted on the map titled ‘San Antonio Missions National Historical Park Proposed Boundary Addition 2009’, numbered 472/468,027, and dated November 2009. The map shall be on file and available for inspection in the appropriate offices of the National Park Service, U.S. Department of the Interior.

“(4) The Secretary may not acquire by condemnation any land or interest in land within the boundaries of the park. The Secretary is authorized to acquire land and interests in land that are within the boundaries of the park pursuant to paragraph (3) by donation only. No private property or non-Federal public property shall be included within the boundaries of the park without the written consent of the owner of such property. Nothing in this Act, the establishment of park, or the management plan of the park shall be construed to create buffer zones outside of the park. That an activity or use can be seen or heard from within the park shall not preclude the conduct of that activity or use outside the park.”.

PURPOSE OF THE BILL

The purpose of H.R. 3100, as ordered reported, is to authorize the Secretary of the Interior to expand the boundary of the San Antonio Missions National Historical Park and to conduct a study of potential land acquisitions.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 3100 authorizes the expansion of San Antonio Missions National Historical Park to include an additional 151 acres, all of which are currently owned or being managed by the National Park Service (NPS). After a NPS evaluation, it was determined that these additional acres are necessary to protect park resources and achieve the purposes of the park. Additionally, significant cultural and archeological resources associated with the park are currently outside the boundary, but would be included in this expansion.

According to the NPS, there will be no additional cost to enacting this legislation because most of the new acreage is already owned by the NPS and the remainder need not be acquired as the agency already manages it through agreements.

During Full Committee consideration of the bill, an amendment offered by Congressman Rob Bishop (R-UT) was adopted to eliminate potential costs associated with the legislation and to enhance property right protections. The amendment removed language authorizing a study for another boundary expansion and clarified that written consent of property owners will be required before their land can be included in the park. The creation of buffer zones around the park and use of condemnation will also be prohibited. Finally, while no land acquisition is currently anticipated, the amendment would limit any acquisition to donation only.

COMMITTEE ACTION

H.R. 3100 was introduced on October 5, 2011, by Congressman Francisco Canseco (R-TX). The bill was referred to the Committee on Natural Resources, and within the Committee to the Sub-

committee on National Parks, Forests and Public Lands. On May 17, 2012, the Subcommittee held a hearing on the bill. On June 7, 2012, the Full Natural Resources Committee met to consider the bill. The Subcommittee on National Parks, Forests and Public Lands was discharged by unanimous consent. Congressman Rob Bishop (R-UT) offered amendment designated .066; the amendment was adopted by a roll call vote of 23–17, as follows:

Committee on Natural Resources

U.S. House of Representatives
112th Congress

Date: June 7, 2012

Recorded Vote #: 6

Meeting on / Amendment: **H.R. 3100** – An amendment offered by Mr. Bishop, 066 was AGREED TO by a roll call vote of 23 yeas and 17 nays.

MEMBERS	Yea	Nay	Pres	MEMBERS	Yea	Nay	Pres
Mr. Hastings, WA Chairman	X			<i>Mr. Heinrich, NM</i>		X	
<i>Mr. Markey, MA Ranking</i>		X		Mr. Benishek, MI	X		
Mr. Young, AK				<i>Mr. Lujan, NM</i>		X	
<i>Mr. Kildee, MI</i>		X		Mr. Rivera, FL	X		
Mr. Duncan of TN				<i>Ms. Sutton, OH</i>		X	
<i>Mr. Defazio, OR</i>		X		Mr. Duncan of SC	X		
Mr. Gohmert, TX				<i>Ms. Tsongas, MA</i>		X	
<i>Mr. Faleomavaega, AS</i>		X		Mr. Tipton, CO	X		
Mr. Bishop, UT	X			<i>Mr. Pierluisi, PR</i>			
<i>Mr. Pallone, NJ</i>		X		Mr. Gosar, AZ	X		
Mr. Lamborn, CO	X			<i>Mr. Garamendi, CA</i>		X	
<i>Mrs. Napolitano, CA</i>		X		Mr. Labrador, ID	X		
Mr. Wittman, VA	X			<i>Ms. Hanabusa, HI</i>		X	
<i>Mr. Holt, NJ</i>		X		Ms. Noem, SD	X		
Mr. Broun, GA	X			<i>Mr. Tonko, NY</i>		X	
<i>Mr. Grijalva, AZ</i>		X		Mr. Southerland, FL	X		
Mr. Fleming, LA	X			<i>Mr. Flores, TX</i>	X		
<i>Ms. Bordallo, GU</i>		X		Mr. Harris, MD	X		
Mr. Coffman, CO	X			<i>Mr. Landry, LA</i>			
<i>Mr. Costa, CA</i>		X		Mr. Runyan, NJ	X		
Mr. McClinton, CA	X			Mr. Johnson, OH	X		
<i>Mr. Boren, OK</i>				Mr. Amodei, NV	X		
Mr. Thompson, PA	X						
<i>Mr. Sablan, CNMI</i>							
Mr. Denham, CA	X						
				TOTALS	23	17	

No further amendments were offered, and the bill, as amended, was adopted and ordered favorably reported to the House of Representatives by voice vote.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 3100—San Antonio Missions National Historical Park Boundary Expansion Act

H.R. 3100 would expand the boundary of the San Antonio Missions National Historical Park in Texas to include approximately 151 additional acres. Of the proposed 151-acre expansion, 132 acres are currently owned by the National Park Service (NPS) or are being donated to the park. The remaining 19 acres would continue to be managed under a cooperative agreement with the city of San Antonio and Bexar County, which own the property.

Fourteen acres of the property owned by the city of San Antonio have environmental contamination. If those lands are included within the boundary of the park, the NPS would be responsible for the remediation of that contamination. Based on information from the NPS, CBO estimates that remediation work would cost around \$9 million, subject to the availability of appropriated funds.

Based on information provided by the NPS, CBO estimates that implementing H.R. 3100 would have no other significant impacts on the federal budget. The NPS currently manages most of the land that would be added to the park, and CBO estimates that the legislation would not significantly affect operating costs. Enacting H.R. 3100 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 3100 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

On December 20, 2011, CBO transmitted a cost estimate for S. 114, the San Antonio Missions National Historical Park Boundary Expansion Act of 2011, as ordered reported by the Senate Committee on Energy and Natural Resources on November 10, 2011. The estimated costs of the two bills differ for a number of reasons.

H.R. 3100 would authorize lands to be acquired only by donation, whereas S. 114 would authorize the NPS to purchase additional land. Also, since the cost estimate for S. 114 was prepared, the NPS has been paying the operational costs (other than environmental remediation costs) of the proposed additional land, so the legislation would not add to those costs. Additionally, S. 114 would authorize a study of the suitability of adding other lands to the park, which H.R. 3100 would not authorize.

The CBO staff contact for this estimate is Martin von Gnechten. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

2. Section 308(a) of Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, credit authority, or an increase or decrease in revenues or tax expenditures. Based on information from the National Park Service, CBO estimates that remediation work provided for in the bill would cost around \$9 million, subject to the availability of appropriated funds. CBO estimates that implementing H.R. 3100 would have no other significant impacts on the federal budget.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill, as ordered reported, is to authorize the Secretary of the Interior to expand the boundary of the San Antonio Missions National Historical Park and to conduct a study of potential land acquisitions.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

SECTION 201 OF PUBLIC LAW 95-629

SEC. 201. (a) **【In order】 (1)** *In order* to provide for the preservation, restoration, and interpretation of the Spanish Missions of San Antonio, Texas, for the benefit and enjoyment of present and future generations of Americans, there is hereby established the San Antonio Missions National Historical Park (hereafter in this section

referred to as the “park”) consisting of Concepcion, San Jose, San Juan, and Espada Missions, together with areas and features historically associated therewith, as generally depicted on the drawing entitled “Boundary Map, San Antonio Missions National Historical Park”, numbered 930-80,022-C and dated May 1978, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior, and in the offices of the Superintendent of the park. [The park shall also]

(2) *The park shall also consist of the lands and interests therein within the area bounded by the line depicted as “Proposed Boundary Extension” on the maps entitled “San Antonio Missions National Historical Park”, numbered 472-80,075, 472-80,076, 472-80,077, 472-80,078, 472-80,079, 472-80,080, and 472-80,081 and dated June 7, 1990, which shall be on file and available for public inspection in the same manner as is such drawing. [After advising the]*

(3) *The boundary of the park is further modified to include approximately 151 acres, as depicted on the map titled “San Antonio Missions National Historical Park Proposed Boundary Addition 2009”, numbered 472/468,027, and dated November 2009. The map shall be on file and available for inspection in the appropriate offices of the National Park Service, U.S. Department of the Interior.*

(4) *The Secretary may not acquire by condemnation any land or interest in land within the boundaries of the park. The Secretary is authorized to acquire land and interests in land that are within the boundaries of the park pursuant to paragraph (3) by donation only. No private property or non-Federal public property shall be included within the boundaries of the park without the written consent of the owner of such property. Nothing in this Act, the establishment of park, or the management plan of the park shall be construed to create buffer zones outside of the park. That an activity or use can be seen or heard from within the park shall not preclude the conduct of that activity or use outside the park.*

(5) *After advising the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives, in writing, the Secretary of the Interior (hereinafter referred to as the “Secretary”) may make minor revisions of the boundaries of the park when necessary by publication of a revised drawing or other boundary description in the Federal Register.*

* * * * *

DISSENTING VIEWS

The Majority has taken a good idea, the expansion of the San Antonio Missions National Historical Park, and undermined it by insisting on amendments that would establish terrible precedents for other park expansions, all in order to score political points.

Since 2002 the community of San Antonio, Texas has been working to expand the boundaries of the National Historical Park. The San Antonio Missions National Historical Park preserves a significant link to Mexico and Spain that has influenced the culture and history of the United States. Significant cultural resources would be protected by expanding the Park's boundaries.

The 111th Congress overwhelmingly supported legislation to expand the current boundaries of the Park and to direct the National Park Service to study other lands in Bexar and Wilson counties that might be suitable for inclusion within the Park's boundaries. At no point during the process were concerns raised about the study or potential land acquisition.

Last October, Congressman Canseco introduced similar legislation to authorize the National Park Service to expand the boundary of the Park to include 151 acres of land already cooperatively managed by the National Park Service, private land owners, the City of San Antonio and Bexar County and to study future boundary expansions.

During subcommittee consideration of the legislation, no issues regarding the expansion study or acquisition of additional federal lands were raised by the Majority. Instead, days before the mark-up, the Majority proposed an amendment to eliminate the study and put debilitating restrictions on land acquisition.

As ordered reported by the Committee, the legislation would allow the Park to acquire land by donation only, not by purchase or exchange. In effect, the Majority's amendment would prohibit a willing seller from selling their land to the Park and would instead require the property owner to donate their land.

Preventing land-owners from selling their private property to the federal government cannot be justified and is, ironically, an abridgement of private property rights. Such a provision will needlessly cripple this Park and, as a result, we oppose this legislation.

EDWARD J. MARKEY.
RAÚL M. GRIJALVA.

